



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

CHRISTOPHER M. McMONAGLE, ESQUIRE
Stern & Eisenberg, PC
1040 N. Kings Highway, Suite 407,
Cherry Hill, New Jersey 08034
Telephone: (609) 397-9200
FACSIMILE: (856) 667-1456
(COUNSEL FOR MOVANT)

Order Filed on July 24, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:
Robert A. DiPaolo
Debtor

Case Number: 16-11321-CMG

Chapter 13

Hearing: at
Judge: Christine M. Gravelle

ORDER APPROVING STIPULATION/CONDITIONAL ORDER SETTLING THE MOTION FOR
RELIEF FROM THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two (2) through four (4) is
hereby **ORDERED**.

DATED: July 24, 2019


Honorable Christine M. Gravelle
United States Bankruptcy Judge

(page 2)

Debtor: Robert A. DiPaolo

Case Number: 16-11321-CMG

Caption of Order: Order Approving Stipulation/Conditional Order Settling the Motion for Relief from the Automatic Stay

Upon the Motion of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity but Solely as Trustee for Brougham Fund I Trust (Creditor) through its Counsel Stern & Eisenberg PC, attorneys for secured creditor, under Bankruptcy Code (section 362(d), et al.) for relief from the automatic stay as to certain property, 40 Pulawski Ave, South River, NJ 08882 ("Property"), and the entry of the Order settling the Motion for Relief and for cause shown, it is hereby ORDERED and DECREED as follows:

1. As of June 17, 2019, Robert A. DiPaolo ("Debtor") acknowledges that Debtor is due for the following post-petition regular monthly payments from 2/1/2019 to 6/1/2019, as follows:
 - a. Monthly payment total \$1,280.26 (5 months)
 - b. Post-petition suspense balance... (\$282.27)
 - c. Attorney's Fees.....\$531.00
 - d. Total arrears as of Date of Order.....\$6,650.03
2. Debtor shall make a \$3,500.00 down payment within ten (10) days of this order.
3. Debtor shall cure the remaining arrears of \$3,150.03 (\$6,650.03 less \$3,500.00) by paying approximately 1/6th of the remaining arrears per month for the next six months. To that end, Debtor shall pay \$525.00/month for the next five months (7/1/2019 through 11/1/2019) together with the regular monthly mortgage payment (currently \$1,317.48/month) for a total monthly payment of **\$1,842.48/month for the next five months (7/1/2019 through 11/1/2019)**, and Debtor shall pay \$525.03 for the sixth month (12/1/2019) together with the regular monthly mortgage payment (currently \$1,317.48) for a total monthly payment of **\$525.03/month for the sixth month (12/1/2019)**.
4. In the event the regular monthly payment changes for any reason, then the amount due pursuant to paragraph 2 shall be adjusted accordingly. Thereafter, Debtor agrees to continue making the regular monthly mortgage payment.
5. Payments due in accordance with this Order shall be due on or before the 1st day of each month.
6. Debtor shall make the regular monthly payments required to the Trustee.
7. All payments due to the Creditor from the Debtor are to be made directly to BSI Financial Services, Inc and making sure that Creditor's loan number appears on all payments.
8. In the event that Movant alleges that Debtors has failed to comply with obligations under paragraph 2 & 3 of this Consent Order/Stipulation, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity but Solely as Trustee for Brougham Fund I Trust and/or Counsel may give Debtors and Debtors' counsel notice of the default and if such default is not cured within ten (10) days of said notice, upon certification to the court of such default, and request for Order, with a copy to Debtors and Debtors' counsel, the Court may grant Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity but Solely as Trustee for Brougham Fund I Trust immediate relief from the bankruptcy stay, per the form of attached Order which is made part hereof as Exhibit "A". Debtors shall pay \$75.00 for each notice of default issued by Movant as a result of the Debtors' failure to comply with this Consent Order/Stipulation.

(page 3)

Debtor: Robert A. DiPaolo

Case Number: 16-11321-CMG

Caption of Order: Order Approving Stipulation/Conditional Order Settling the Motion for Relief from the Automatic Stay

9. The failure by the Creditor, at any time, to file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as a waiver of any of Creditor's rights hereunder. In the event Debtor fails to comply with the terms of this Order for more than 30 days, Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity but Solely as Trustee for Brougham Fund I Trust may submit a certification of default and proposed Order for Relief from the Automatic Stay to the court and serve a copy of such Certification of Default upon the Debtor and Debtor's counsel. Fourteen days after receipt of a Certification of Default, the court will enter an order granting Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity but Solely as Trustee for Brougham Fund I Trust relief from the automatic stay unless the Debtor has filed an objection to the Certification of Default specifying reasons for the objection; in which case the court will set a hearing on the objection.
10. Upon issuance of the aforesaid Order, the parties hereto further agree that Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity but Solely as Trustee for Brougham Fund I Trust may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuation of foreclosure and execution process through sheriff's sale concerning the Property and ejectment thereafter.
11. In the event Debtor converts to a bankruptcy under Chapter 7 of the Bankruptcy Code then Debtor shall pay all pre-petition arrears and post-petition arrears within 10 days from the date the case is converted. If Debtor fails to make payments in accordance with this paragraph then the Creditor, through Counsel, may file a certification setting forth said failure and the Creditor shall be granted immediate relief from the automatic stay and may also request entry of the form of Order attached as Exhibit "A".



PATRICK MOSCATELLO, ESQUIRE
COUNSEL FOR DEBTOR

/s/ Christopher M. McMonagle

CHRISTOPHER M. MCMONAGLE, ESQUIRE
STERN & EISENBERG, PC
ATTORNEY FOR CREDITOR

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

CHRISTOPHER M. McMONAGLE, ESQUIRE
Stern & Eisenberg, PC
1040 N. Kings Highway, Suite 407,
Cherry Hill, New Jersey 08034
Telephone: (609) 397-9200
FACSIMILE: (856) 667-1456
(COUNSEL FOR MOVANT)

In Re:
Robert A. DiPaolo
Debtor

Wilmington Savings Fund Society, FSB, d/b/a Christiana
Trust, not in its Individual Capacity but Solely as Trustee
for Brougham Fund I Trust
Creditor/Movant

v.
Albert Russo
(Respondents)

Case Number: 16-11321-CMG

Chapter 13

Hearing: at
Judge: Christine M. Gravelle

**ORDER GRANTING RELIEF FROM AUTOMATIC STAY AND IN REM RELIEF FOLLOWING
CERTIFICATION OF DEFAULT OF CONDITIONAL ORDER /STIPULATION**

Upon Motion of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity but Solely as Trustee for Brougham Fund I Trust (Creditor) for relief and a Certification of Default having been filed in accordance with the Order/Stipulation Resolving the Motion, it is hereby ORDERED AND DECREED that Movant, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity but Solely as Trustee for Brougham Fund I Trust (Creditor) (and any assignee/successor-in-interest) is granted relief from the stay of 11 U.S.C. §362, et al. to proceed with its mortgage foreclosure action and Sheriff's Sale (and all other rights under state and federal law) concerning the Property: 40 Pulawski Ave, South River, NJ 08882 ("Property")

It is further ORDERED and DECREED that the 14-day stay pursuant to BKRP 4001(a)(3) is hereby waived.